



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel
Director of Planning
Regional Planning Commission

At its meeting held August 26, 2003, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

Hearing on proposed amendment to Title 22 - Planning and Zoning, to establish areas, development standards and case processing procedures for second units on lots with an existing single-family residence (All Districts); also determination of exemption from provisions of the California Environmental Quality Act.

Leonard Erlanger and Ron Hoffman, representing the Department of Regional Planning were duly sworn and testified. Opportunity was given for interested persons to address the Board. Vivian Rescalvo, Shelley Coulson, Gina Fernandes, Dale H. Price, Carol Hess, Lawrence Hess, David Granger, James T. Cole, Peter Friedrichson, Jaime Scher, and Jane McAllister addressed the Board. Written correspondence was presented.

Supervisor Antonovich made the following statement:

"A recent change in State law requires that the County revise its procedures to accommodate the construction of second units on properties zoned for single-family dwellings. For several months County staff has worked with interested parties to develop an ordinance that both meets the requirements of State laws and addresses legitimate concerns about over-densification. Both the Regional Planning Commission and the Board of Supervisors recently conducted public hearings concerning the proposed ordinance. There has been substantial public input at these public hearings and in numerous telephone calls, letters, and e-mails transmitted both to Regional Planning and to the Board offices.

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“Prior to January 1, 2003, when the new law took effect, individuals who wanted a second unit would file for a conditional use permit (CUP). While the proposed second unit ordinance creates circumstances wherein a second unit could be permitted “by right,” in compliance with State law, it precludes other applications. For example, properties that are located in a Very High Fire Hazard Severity Zone, are not served by a public water system, or are not served by a public sewer system, individuals could not secure approval for a second unit under any circumstances. An outright ban on second units in these locations is both illogical and unfairly punitive. As long as staff thoroughly reviews an application, a reasonable set of findings can be made, and the public receives adequate public notice, locating a second unit on such properties may be appropriate in certain circumstances.

“Based upon public input, there are other provisions of the second unit ordinance that require additional modifications. In a memorandum from the Department of Regional Planning dated August 14, 2003, staff makes several recommended revisions to the previous ordinance forwarded to the Board of Supervisors. The changes clarify certain procedures, address conformity with other sections of the Code and create a distinction between second units in rural areas and urban areas. Finally, the second unit ordinance should address consistency of its provisions with established community standards district and clarify that the new ordinance will also apply in the RPD Zone.”

Therefore Supervisor Antonovich made a motion that the Board close the public hearing and take the following actions:

1. Instruct County Counsel to prepare a revised ordinance that reflects the following revisions:
 - Allows second units under conditional use permit procedures in certain circumstances (properties that are located in a Very High Fire Hazard Severity Zone, are not served by a public water system, or are not served by a public sewer system);

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8. (Continued)

- Incorporates the revisions addressed in the memorandum of August 14, 2003, from the Department of Regional Planning;
 - Clarifies how the provisions of the second unit ordinance apply in established community standards district; and
 - Declares that the new ordinance will also apply in the RPD Zone.
2. Instruct the Director of Regional Planning and the County Counsel to bring back the final ordinance for adoption by the Board within 30 days.

Supervisor Burke made a suggestion that Supervisor Antonovich's motion be amended to include a requirement that where a Conditional Use Permit is required for a second unit, the permit shall require that the permittee/owner and any successor waive any liability against the County and agree not to sue the County for having granted the Conditional Use Permit. Supervisor Antonovich accepted Supervisor Burke's amendment.

Therefore, Supervisor Antonovich's motion as amended, seconded by Supervisor Yaroslavsky, was adopted

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Attachments

Copies distributed:

Each Supervisor
Chief Administrative Officer
Director of Public Works